

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ANTONIO RIVERA and SHARON LOPEZ,

Plaintiffs,

-against-

THE CITY OF NEW YORK, WALTER OSTERMEIR,
PAUL ZAINO, THOMAS JOYCE, JOHN LANDOFI,
PHILIP BIRMINGHAM, MICHAEL O'DOUGHERTY,
SANTOS ROMAN AND STEVEN RAMUNNO.

Defendants.
-----X

**STIPULATION AND
ORDER OF
SETTLEMENT AND
DISMISSAL**

07-CV-8061 (DLC)

WHEREAS, plaintiffs commenced this action by filing a complaint on or about September 14, 2007, alleging that defendants violated their federal civil and state common law rights; and

WHEREAS, defendants have denied any and all liability arising out of plaintiffs allegations; and

WHEREAS, the parties now desire to resolve the issues raised in this litigation, without further proceedings and without admitting any fault or liability;

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned, as follows:

1. The above-referenced action is hereby dismissed with prejudice, and without costs, expenses, or fees in excess of the amount specified in paragraph "2" below.
2. Defendant City of New York, hereby agrees to pay plaintiffs **ANTONIO RIVERA and SHARON LOPEZ**, the sum of **ONE HUNDRED THOUSAND (\$100,000.00) DOLLARS**, to be allocated in the amounts of **SEVENTY-FIVE THOUSAND (\$75,000.00) DOLLARS** for plaintiff **ANTONIO RIVERA**; and **TWENTY-FIVE THOUSAND**

(\$25,000.00) DOLLARS for plaintiff **SHARON LOPEZ**, in full satisfaction of all claims, including claims for costs, expenses and attorney's fees. In consideration for the payment of this sum, plaintiffs agree to the dismissal of all the claims against defendants City of New York, Walter Ostermeir, Paul Zaino, Thomas Joyce, John Landolfi, Philip Birmingham, Michael O'Dougherty, Santos Roman and Steven Ramunno, and to release all defendants; their successors or assigns; and all past and present officials, employees, representatives, and agents of the City of New York, or any agency thereof, from any and all liability, claims, or rights of action that were or could have been alleged in the complaint in this action, including all claims for attorney's fees, expenses, and costs.

3. Plaintiffs shall execute and deliver to defendants' attorney all documents necessary to effect this settlement, including, without limitation, a general release based on the terms of paragraph "2" above and an Affidavit of No Liens.

4. Nothing contained herein shall be deemed to be an admission by defendants that they have in any manner or way violated plaintiffs' rights, or the rights of any other person or entity, as defined in the constitutions, statutes, ordinances, rules or regulations of the United States, the State of New York, or the City of New York or any other rules, regulations or bylaws of any department or subdivision of the City of New York. This stipulation and settlement shall not be admissible in, nor is it related to, any other litigation or settlement negotiations.

5. Nothing contained herein shall be deemed to constitute a policy or practice of the City of New York.


6. This Stipulation and Order contains all the terms and conditions agreed upon by the parties hereto, and no oral agreement entered into at any time nor any written agreement entered into prior to the execution of this Stipulation and Order regarding the subject

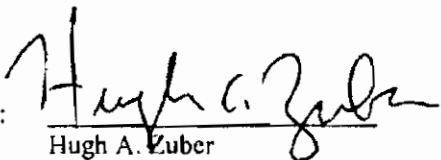
matter of the instant proceeding shall be deemed to exist, or to bind the parties hereto, or to vary the terms and conditions contained herein.

Dated: New York, New York
August 26, 2008

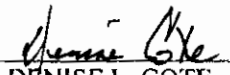
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By: 
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Assistant Corporation Counsel

SO ORDERED:


HON. DENISE L. COTE
UNITED STATES DISTRICT JUDGE

The Clerk of Court shall close the case
and terminate all motions pending as of
today's date as moot.